

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
SDNY P.O. BOX 1000
MAR 23 AM 9:31

JB NICHOLAS,

Plaintiff,

COMPLAINT

-against-

JURY TRIAL
DEMANDED

BASIL SEGGOS, Commissioner, New York State
Department of Environmental Conservation;
GAYE SOMOGIE, Licensed Guide Program
Coordinator, New York State Department of
Environmental Conservation,

Defendants.

INTRODUCTION

1. Americans have the right, under the Constitution, to freedom of expression. We also enjoy the liberty to pursue a professional occupation of our own individual and free choice. U.S. Const., Art. IV, § 2; Amends. I, V & XIV. I wish to exercise these freedoms and work as a fishing, hiking and camping guide in New York. New York law requires outdoor guides to have a license issued by the Department of Environmental Conservation. Though I am qualified for a guide license under the criteria established by New York law, the Government officials responsible for issuing guide licenses-Defendants-are effectively refusing to grant me a license by not processing the application I submitted to them on Nov. 4, 2023.

2. Additionally, New York's administrative regime for licensing outdoor guides is unconstitutional on its face. That's because (1) it gives Defendants absolute, unbridled discretion to issue, ignore or reject guide license applications notwithstanding mandatory regulations that theoretically channel the guide license application process; (2) fails to impose any time limits on Defendants to issue or deny guide license applications; and (3) lacks a meaningful administrative hearing or appeal process with the substantive and procedural rules required by the Constitution for fair hearings. Because New York law criminalizes guiding without a license as an arrestable violation punishable by imprisonment and fine, I sue for a court order stopping its unconstitutional enforcement.

PARTIES

3. I am the Plaintiff, JB Nicholas. I'm an independent journalist seeking to be licensed by New York State as a fishing, camping and hiking guide. I have passed the required tests, satisfied the criteria established by New York State statute and administrative regulations and paid the fees, yet Defendants have not issued me the guide license that the law requires them to issue to qualified applicants.

4. Defendant Basil Seggos is the Commissioner of the New York State Department of Environmental Conservation, or DEC. DEC is the state agency responsible under state law for issuing

outdoor guide licenses in New York. Seggos ignored my Mar. 17, 2023 email demand that he issue me a guide license. DEC is also responsible for enforcing its guide licensing laws. DEC employs law enforcement officers directed by Defendant Seggos to do so. Seggos is sued in his official and individual capacities.

5. Defendant Gaye Somogie is DEC's Licensed Guide Program Coordinator. She is personally responsible for issuing outdoor guide licenses in New York. Somogie ignored my Mar. 17, 2023 email demand that she issue me a guide license. She is sued in his official and individual capacities.

JURISDICTION

6. This is a civil rights action under the United States Constitution and 42 USC §§ 1983. The Court has jurisdiction over this matter pursuant to 28 USC §§ 1331 & 1343. The declaratory and injunctive relief sought is authorized by 28 USC §§ 2201 & 2202, Rule 57 of the FRCP and 42 USC § 1983.

7. This Court is the right venue for this action pursuant to 28 USC § 1391(b)(2). Plaintiff demands a jury trial.

FACTS

8. I was mostly raised by my grandmother, Faye Ruth Austin, in New York. Faye was born on a kitchen table in a farmhouse in Brooksville, Maine, 1925. Faye took me with her back to her mother's home in Brooksville when I was a boy, during summers and long vacations. I went fishing for the first

time and caught my first fish in Maine. My grandmother took a photograph of me posing with my catch at her mother's house.



9. I also spent parts of my youthful summers at the Curtis S. Reade Boy Scout reservation in New York's Adirondack mountains. There I perfected my fishing skills and learned new skills, including wilderness land navigation, survival and first aid. I also learned how to backpack, camp and climb, among other things. I taught myself how to fly fish for trout when I was 11.



Back home, I kept fishing, camping and backpacking. I liked to be outdoors so much I went solo winter hiking and camping for the first time when I was 14.

10. I've hiked the Appalachian Trail from Pennsylvania's border with New Jersey all the way to the Kennebec River halfway across Maine. I've thru-hiked the entire Northville-Placid Trail through the heart of New York's Adirondack mountains (the wildest part of America east of Mississippi) six times. I've hiked 27 of the 33 peaks above 3,500 feet in the Catskill mountains and 33 of the 46 above 4,000 in the Adirondacks. I backpacked across the Green Mountains in Vermont, the White Mountains in New Hampshire, the Mahoosuc range in Maine and all the other wild places I could find between New York City and the Canadian frontier. I explore in all four seasons. I celebrated my 50th birthday by completing a winter traverse of the Great Range in the Adirondacks-the most challenging hike on the East Coast in summer, nevermind winter when it's covered in ice and snow.

11. I've fly fished full-time seven months out of each of the last three years, Spring, Summer and Fall. I've fished on rivers across New York, Vermont, New Hampshire and Maine. I can catch trout and salmon almost at will in any river I fish-as long as the water is not too high, too hot or too cold. I am

dedicated to catch-and-release fishing. I do not kill anything I catch. I have caught literally thousands of fish and released all but one.

12. New York law requires a license to work as an outdoor guide and criminalizes guiding without the required license. NY Env Conserv L § 11-0533. The law requires DEC to "establish standards and procedures for testing and licensing of guides" by regulations. Id. § 11-0533(6). Unlicensed guiding is an arrestable violation. NY Env Conserv L § 71-0919(1)(b). It is punishable by up to 15 days imprisonment and a fine of up to \$250. Id. § 71-0923(1).

13. DEC promulgated administrative regulations governing the licensing of outdoors guides at Title 6, Chapter 11, Part 197 of the New York Codes, Rules & Regulations. The regulations use mandatory language-"will be issued"-to require DEC to issue guide licenses to applicants who meet the criteria established by the regulations. 6 NYCRR § 197.3(a).

A license to guide, valid for five (5) years, will be issued by the Department to a person who:

- (1) submits a complete application, using the form provided by the department;
- (2) submits proof of identity;
- (3) submits proof of age;
- (4) submits proof of residence;

- (5) submits a twenty-five dollar (\$25) nonrefundable application fee;
- (6) submits a completed physician's statement of physical condition which was signed and dated no more than thirty days before submission with the application;
- (7) submits satisfactory proof of possessing current certification in the following:
 - (i) American Red Cross Standard First Aid or equivalent;
 - (ii) American Red Cross Cardiopulmonary Resuscitation (CPR) or equivalent;
 - (iii) American Red Cross Basic Water Safety or equivalent.
- (8) passes the written examination for a license to guide; and
- (9) upon meeting all other requirements submits the remaining license fee as specified in section 197.5 of this Part.

14. I took and passed the four tests required by DEC to be licensed as a fishing, hiking and camping guide on Oct. 14, 2022: a basic general skills test and specialized tests covering fishing, hiking and camping skills. Pl.'s Exs. A-D.

15. I am certified in Basic Water Safety by the New York State Outdoor Guides Association-which is accepted by DEC. Pl.'s Ex. E.

16. I am certified in both pediatric and adult first aid including CPR by the American Red Cross-which is accepted by DEC. Pl.'s Ex. F.

17. I have a valid physician's statement of physical fitness-as required by DEC. Pl.'s Ex. G..

18. DEC accepts Government-issued identification as proof of identity, age and residence according to its guide application form. Pl.'s Ex. H. I submitted a copy of my New York State-issued identification card with my guide license application.

19. I meet all the current statutory and regulatory requirements to be licensed as an outdoor guide in New York.

20. I submitted a completed application to DEC with a \$140 money order covering the required fees Nov. 4, 2022. Pl.'s Exs. I & J.

21. Once an application is submitted, DEC typically takes five-to-six to process the application and issue the guide license, according to Defendant Somogie. Pl.'s Ex. K. After I mailed my application to DEC on Nov. 4, DEC did not respond in any way. (I advised Somogie that I changed my address on Dec. 30. She acknowledged by email dated Jan. 3, 2023.) After submitting my application on Nov. 4, 2022, I waited 13 weeks before I emailed Defendant Somogie Feb. 14, 2023 and asked her for an "update" on the status of my application. Pl.'s Ex. L. Somogie ignored my request. I sent Defendant Somogie another email Feb. 21 repeating my request with a simple question mark. Id. Somogie again ignored my request.

22. I sent a third email to Defendant Somogie Feb. 27 asking "What's the status of my application to be a licensed NYS guide?" Pl.'s Ex. M. I also asked Somogie to confirm DEC's receipt of my application, which it still hadn't done 15 weeks after I submitted it. Id. Somogie ignored that email too.

23. I telephoned DEC twice in the days that followed. I wasn't connected to Somogie but she finally responded by email dated Mar. 2: "We received your application. Your application is still in review." Pl.'s Ex. N. I asked how much longer DEC's review would take. Somogie's answer: "It can take a few more weeks. Thank you." Pl.'s Ex. O.

24. I emailed Defendant Seggos to weeks later on Mar. 17 and respectfully demanded that he issue me the guide license I already qualified and paid for. Pl.'s Ex. P. I also emailed Executive Deputy Commissioner Sean Mahar and Chief of Staff Erica Ringewald to ensure Seggos was aware of my request. Id. No one responded to my emails as of the day this lawsuit was filed, Monday, Mar. 20.

25. Faye, my Maine-born grandmother, had a favorite saying, according to her December 1, 2008 obituary in the *Bangor Daily News*: "Faye was fond of saying 'If you see something that isn't right, do something about it, don't just complain.'"

26. New York's guide licensing regime is unconstitutional on its face. Because it criminalizes and restricts freedom of

speech and occupational liberty, it must pass constitutional scrutiny. New York's system cannot survive even the least stringent constitutional scrutiny.

27. New York's guide licensing regime gives Defendants absolute, unbridled discretion to issue, ignore or reject guide license applications-notwithstanding mandatory regulations that theoretically channel the guide license application process.

28. New York's guide licensing regime fails to impose any time limits on Defendants to issue or deny guide license applications.

29. New York's guide licensing regime fails to mandate a time limit on DEC to administer the two tests guide applicants are required to pass before DEC will issue a license.

30. New York's guide licensing regime is unconstitutionally vague because it confers absolute, unfettered discretion on DEC to issue a guide license or not. While the scheme uses mandatory language ("will") to mandate grant of licenses to applicants who satisfy the regulatory criteria, DEC ignored it in this case.

31. DEC can take as long as it wants it to take to issue or deny an application for a guide license, or it can be as brief as DEC wants it to be. It could take two years, or two weeks. Simply stated, nothing prohibits or prevents Defendants from taking literally forever to issue a guide license, or not.

In this case, its 18 weeks and counting as of filing this Complaint.

32. New York's guide licensing regime lacks a mechanism for applicants denied a license to request a hearing or an appeal of any kind with the substantive and procedural rules required by the Constitution for fair hearings.

CAUSES OF ACTION

AS AND FOR A FIRST CAUSE OF ACTION

33. New York's guide licensing regime, as alleged above and incorporated here by reference, violates Plaintiff's First and Fourteenth Amendment rights to freedom of speech and to pursue an occupation of his free choice because it (1) gives Defendants absolute, unbridled discretion to issue, ignore or reject guide license applications; (2) fails to impose any time limits on Defendants to issue or deny guide license applications; and (3) lacks a meaningful administrative hearing or appeal process with the substantive and procedural rules required by the Constitution for fair hearings.

AS AND FOR A SECOND CAUSE OF ACTION

34. New York's guide licensing regime, as alleged above and incorporated here by reference, violates Plaintiff's rights under the Constitution's Privileges and Immunities Clause, U.S. CONST., Art. IV, § 2, because it (1) gives Defendants absolute,

unbridled discretion to issue, ignore or reject guide license applications; (2) fails to impose any time limits on Defendants to issue or deny guide license applications; and (3) lacks a meaningful administrative hearing or appeal process with the substantive and procedural rules required by the Constitution for fair hearings.

AS AND FOR A THIRD CAUSE OF ACTION

35. Defendants actions and inactions, as alleged above and incorporated here by reference, violated Plaintiff's rights under the Constitution's Privileges and Immunities Clause, U.S. CONST., Art. IV, § 2, as well as the First and Fourteenth Amendment rights to freedom of speech and to pursue an occupation of his own choice, when they failed to promptly issue him a New York State guide license for fishing, hiking and camping when he satisfied the legal criteria for it.

AS AND FOR A FOURTH CAUSE OF ACTION

36. Defendants actions and inactions, as alleged above and incorporated here by reference, violated Plaintiff's Fourteenth Amendment right to due process of law when they failed to promptly issue him a New York State guide license for fishing, hiking and camping when he satisfied the legal criteria for it and failed to provide him a fair hearing or any opportunity to be heard at all.

RELIEF REQUESTED

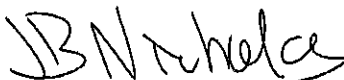
WHEREFORE, Plaintiff requests judgment against Defendants:

1. Declaring New York's guide licensing regime unconstitutional on its face;
2. Enjoining Defendants from enforcing New York laws which punish and subject guides operating without a state-issued license to criminal imprisonment and fines, NY Env Conserv L §§ 11-0533, 11-0533(6), 71-0919(1)(b), 71-0923(1), until Defendants promulgate regulations that satisfy the Constitution;
3. Compensating Plaintiff for damages, including violations of constitutional rights and lost employment;
4. Any other relief necessary and appropriate to remedy Defendants' ongoing violations of Plaintiff's constitutional rights;
5. Awarding costs to bring and litigate this action;
6. Awarding attorneys fees pursuant to 42 US § 1988; and
7. Such other and further relief as the Court deems just, proper and equitable.

DATED: March 20, 2023

Pursuant to, and in accordance with, 28 US § 1746:

I swear the foregoing under the penalty of perjury; as to matters alleged upon information and belief, I believe them to be true.



JASON B. NICHOLAS

EXHIBIT

A

10/14/22, 10:09 AM

basic requirements exam



NEW YORK
STATE OF
OPPORTUNITY

**Department of
Environmental
Conservation**

basic requirements exam

Thank You!

New Quiz Score

quiz_passmessage

quiz_passmessage

Congratulations Jason,Nicholas! You have passed your Basic Requirements Licensed Guide Exam on 10/14/2022! Please download and complete the following application and physician forms:

EXHIBIT

B

10/14/22, 10:48 AM



Fishing exam

**Department of
Environmental
Conservation**

Fishing exam

Thank You!

New Quiz Score

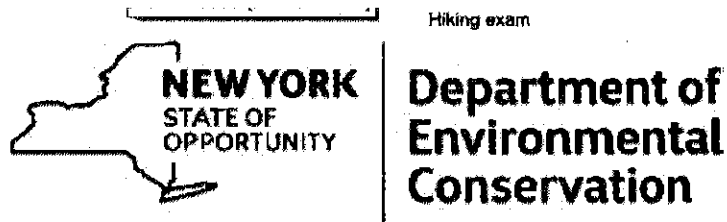
quiz_passmessage

Congratulations! You have passed your Fishing Licensed Guide Exam! Please download and complete the following application and physician forms:

EXHIBIT

C

10/14/22, 11:01 AM



Hiking exam

Hiking exam

Thank You!

New Quiz Score

quiz_passmessage

quiz_passmessage

Congratulations ! You have passed your Hiking Licensed Guide Exam on 10/14/2022!
Please download and complete the following application and physician forms:

EXHIBIT

D

10/14/22, 11:24 AM



camping exam

**Department of
Environmental
Conservation**

camping exam

Thank You!

New Quiz Score

quiz_passmessage

Congratulations! You have passed your Camping Licensed Guide Exam! Please download and complete the following application and physician forms:

EXHIBIT

E

Notary Public
for the State of California

My Commission Expires: 03/22/2025

County of Santa Clara

Subscribed and sworn to before me on this 23rd day of March, 2023.

Signature of Notary Public: [Signature]

Signature of Person: [Signature]

Printed Name of Person: Henry Gomez

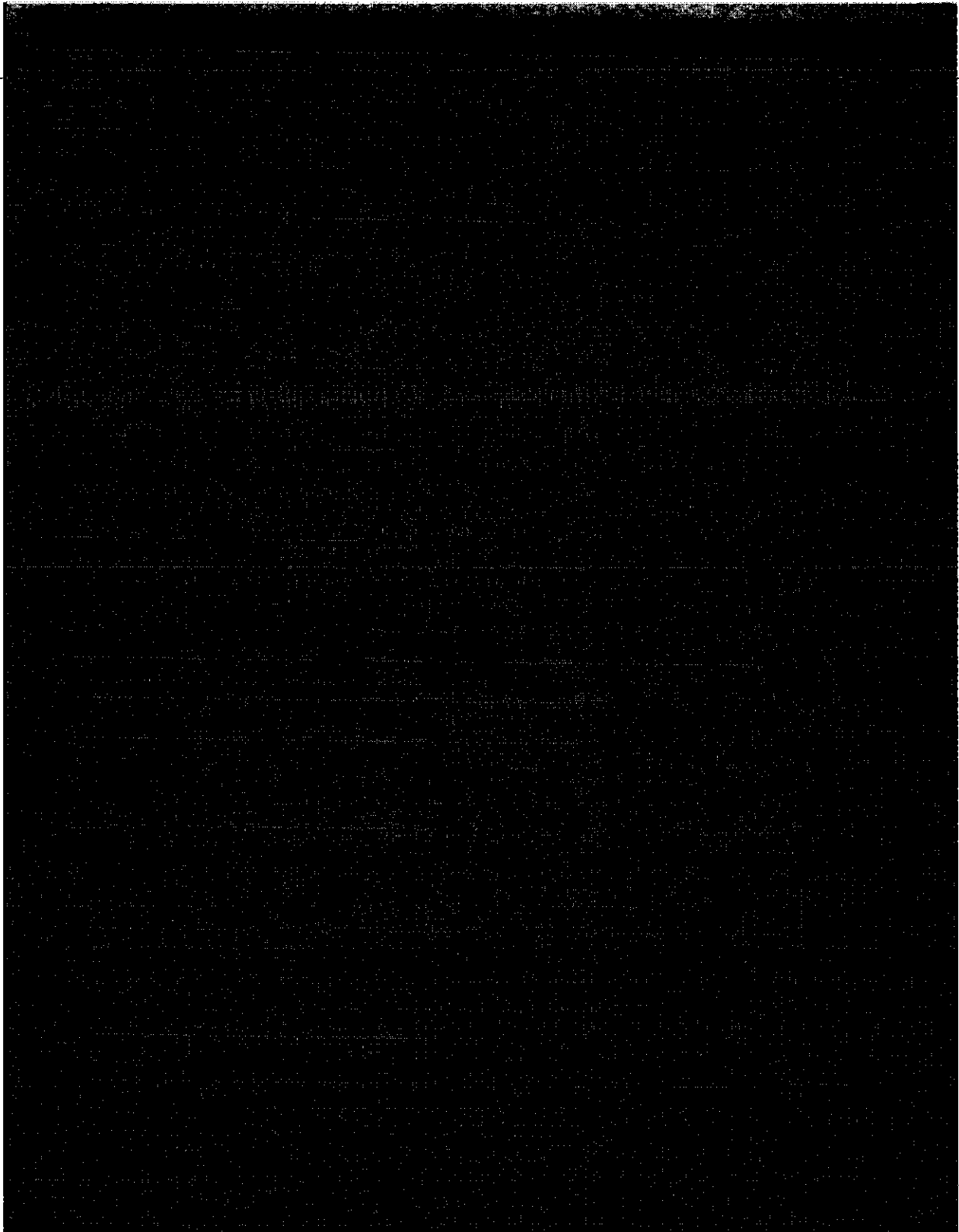
EXHIBIT

F



EXHIBIT

G



EXHIBIT

H



5. Check categories of guiding activities being applied for:

- | | | |
|----------------------------------|---|---------------------------------------|
| <input type="checkbox"/> Camping | <input type="checkbox"/> Whitewater Rafting | <input type="checkbox"/> Tier I Rock |
| <input type="checkbox"/> Fishing | <input type="checkbox"/> Whitewater Canoe | <input type="checkbox"/> Tier II Rock |
| <input type="checkbox"/> Hiking | <input type="checkbox"/> Whitewater Kayak | <input type="checkbox"/> Tier I Ice |
| <input type="checkbox"/> Hunting | | <input type="checkbox"/> Tier II Ice |

6. Based on the categories you selected, calculate your fees due using the chart below:

Number of categories applying for	Fees due for new applicant*	Fees due for current licensees adding categories*
1	\$100	\$45
2	\$120	\$65
3	\$140	\$85
4	\$160	\$105
5	\$180	\$125
6	\$200	\$145
7	\$220	\$165

Please make all checks payable to: NYSDEC

*Amount listed includes \$25 application fee.

7. Are you using boats and canoes in your guiding activities? There is no fee to add this skill Yes ☐ No ☐

8. Required Documentation: All applicants are required to submit copies of the following documents:

- | | |
|---|--|
| <input type="checkbox"/> **Proof of Identity | <input type="checkbox"/> Current Colored Photo (1 x 1) |
| <input type="checkbox"/> **Proof of Age | <input type="checkbox"/> Standard Current First Aid Card or Certificate |
| <input type="checkbox"/> **Proof of Legal Residence | <input type="checkbox"/> Current CPR Card or Certificate |
| <input type="checkbox"/> Basic Water Safety Course | <input type="checkbox"/> <u>Physician Statement</u>
(Must be submitted on the Department form with the physician's, physician's assistant or nurse practitioner's ORIGINAL signature) |

Valid First Aid, CPR and Water Safety certifications are required for all guiding categories. Proof of current certification must be provided before your license will be issued. A list of acceptable courses is available on the DEC website. If you are having difficulty locating a Water Safety Course, you may contact the Outdoor Guides Association at nysoga.org.

** Copies of your driver's license can be used

9. Additional Documentation: additional documents required based on choices selected in 5

- | | |
|--|--|
| <input type="checkbox"/> Copy of Current NYS Hunting License (only for hunting guides) | <input type="checkbox"/> Copy of Current NYS Fishing License (only for fishing guides) |
| <input type="checkbox"/> Special documentation and dates of whitewater experience of at least five whitewater trips on the river for which license is being sought- requirements can be found here | |
| <input type="checkbox"/> A notarized resume of rock/ice climbing experience and climbing training received- requirements can be found here | |

*NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law

Signature _____

Date _____

All payments and materials are to be mailed to:

NYS Department of Environmental Conservation
Special Licenses Unit
625 Broadway, 5th floor
Albany NY 12233-4752

EXHIBIT

I

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, Special Licenses Unit
 625 Broadway, 15th Floor, New York, NY 10038-4702
 P: (212) 402-8151 F: (212) 402-8129
 www.dew.state.ny.us

Licensed Guide Application

This application is for new Licensed Guide applicants and for current Guides looking to add categories to their license

1. Legal Residence Address:

Name: Jason B. Nicholas

Street: [REDACTED] Street

P.O. Box: _____

City/Town: Malone State: New York

Zip Code: 12953 Phone: (____) ____ - ____

Email: jasonbnicholas@gmail.com (____) ____ - ____

NYS County of Legal Residence: Franklin
 Please note that you do not need to be a NYS resident to receive a Guides License

2. Guiding Business Name and Address (if applicable):

Business Name: _____

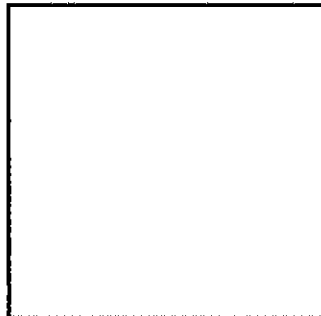
Street: _____

City/Town: _____ State: _____ Zip Code: _____

3. Date of Birth: [REDACTED] Color of Eyes: Hazel

Height: 5'6" Gender: Male

Include a recent
full-face color
photo



4. Have you ever been arrested or received a ticket for a violation of any law? _____

If so, list what the arrest/ticket was for and when the arrest/ticket occurred:

What was the disposition of the case(s)? I was convicted of second degree manslaughter in 1981. Paroled in 2003. I obtained a bachelor's

degree with high honors from New York University. I worked as a journalist from 2006 until 2022. I was credentialed as a journalist by the Secret Service and the New York City Police Department.



5. Check categories of guiding activities being applied for:

- | | | |
|---|---|---------------------------------------|
| <input checked="" type="checkbox"/> Camping | <input type="checkbox"/> Whitewater Rafting | <input type="checkbox"/> Tier I Rock |
| <input checked="" type="checkbox"/> Fishing | <input type="checkbox"/> Whitewater Canoe | <input type="checkbox"/> Tier II Rock |
| <input checked="" type="checkbox"/> Hiking | <input type="checkbox"/> Whitewater Kayak | <input type="checkbox"/> Tier I Ice |
| <input type="checkbox"/> Hunting | | <input type="checkbox"/> Tier II Ice |

6. Based on the categories you selected, calculate your fees due using the chart below:

Number of categories applying for	Fees due for new applicant*	Fees due for current licensees adding categories*
1	\$100	\$45
2	\$120	\$65
3	\$140	\$85
4	\$160	\$105
5	\$180	\$125
6	\$200	\$145
7	\$220	\$165

Please make all checks payable to: NYSDEC

*Amount listed includes \$25 application fee.

7. Are you using boats and canoes in your guiding activities? There is no fee to add this skill Yes ☒ No ☐

8. Required Documentation: All applicants are required to submit copies of the following documents:

- | | |
|--|---|
| <input checked="" type="checkbox"/> **Proof of Identity | <input checked="" type="checkbox"/> Current Colored Photo (1 x 1) |
| <input checked="" type="checkbox"/> **Proof of Age | <input checked="" type="checkbox"/> Standard Current First Aid Card or Certificate |
| <input checked="" type="checkbox"/> **Proof of Legal Residence | <input checked="" type="checkbox"/> Current CPR Card or Certificate |
| <input checked="" type="checkbox"/> Basic Water Safety Course | <input checked="" type="checkbox"/> <u>Physician Statement</u>
(Must be submitted on the Department form with the physician's, physician's assistant or nurse practitioner's ORIGINAL signature) |

Valid first aid, CPR and water safety certifications are required for all guiding categories. Proof of current certification must be provided before your license will be issued. A list of acceptable courses is available on the DEC website. If you are having difficulty locating a Water Safety Course, you may contact the Outdoor Guides Association at nysoga.org.

** Copies of your driver's license can be used

9. Additional Documentation: additional documents required based on choices selected in 5

- ☐ Copy of Current NYS Hunting License (only for hunting guides) ☒ Copy of Current NYS Fishing License (only for fishing guides)
- ☐ Special documentation and dates of whitewater experience of at least five whitewater trips on the river for which license is being sought- requirements can be found [here](#)
- ☐ A notarized resume of rock/ice climbing experience and climbing training received- requirements can be found [here](#)

*NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law

Signature _____

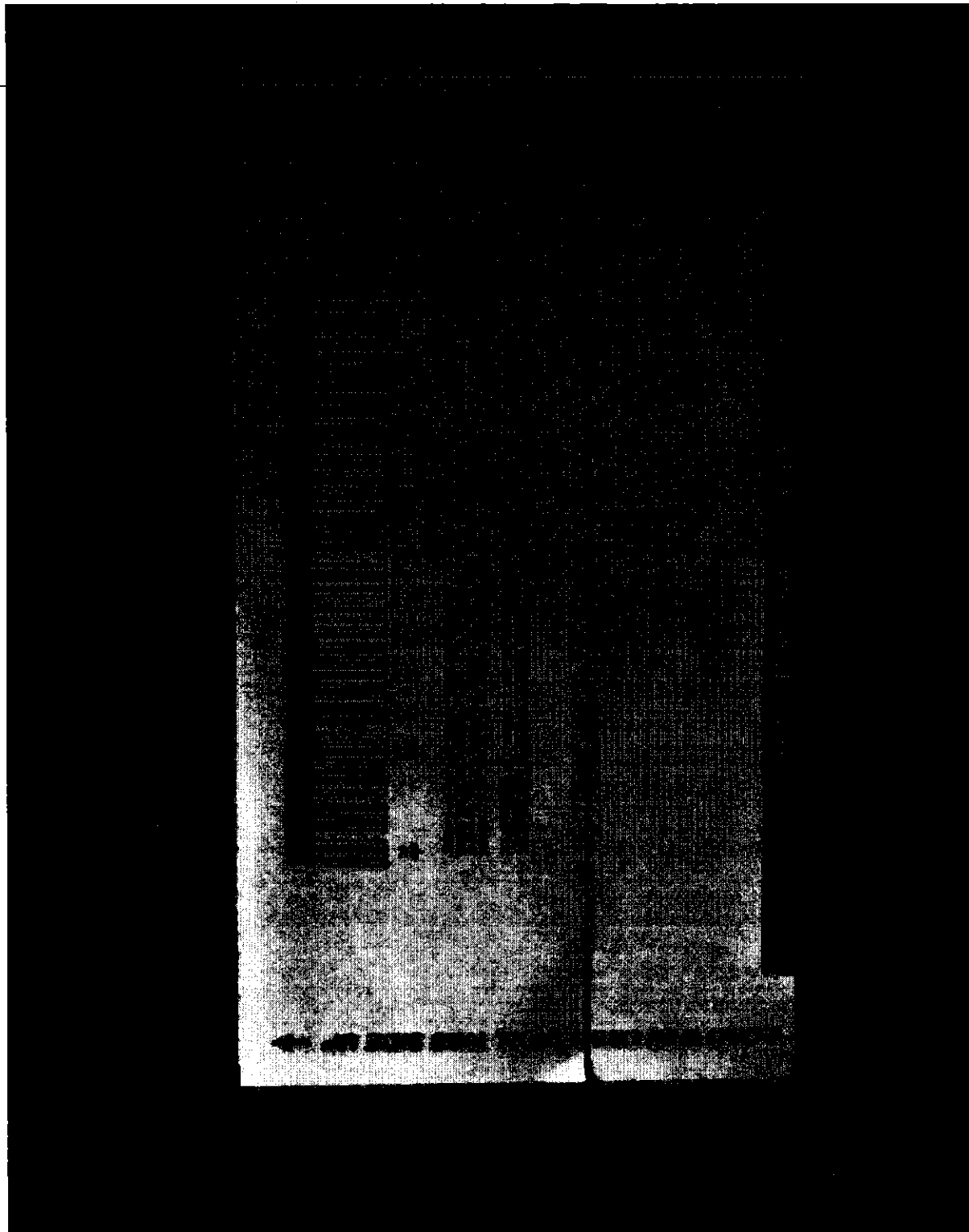
Date _____

All payments and materials are to be mailed to:

NYS Department of Environmental Conservation
Special Licenses Unit
625 Broadway, 5th floor
Albany NY 12233-4752

EXHIBIT

J



EXHIBIT

K

Good Afternoon,

Licensed Guide applications can take four to five weeks to review and process.

Please feel free to contact me, if you have additional questions.

Thank you,

Gaye

Gaye Somogle

She/Her/Hers

Licensed Guide Program Coordinator, Bureau of Wildlife

EXHIBIT

L

3/19/23, 7:46 AM

Gmail - Re: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS



JB Nicholas <jason.b.nicholas@gmail.com>

Re: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS

1 message

JB Nicholas <jason.b.nicholas@gmail.com>
To: "Somogie, Gaye (DEC)" <gaye.somogie@dec.ny.gov>

Tue, Feb 21, 2023 at 4:49 PM

?

On Wed, Feb 15, 2023 at 3:26 PM JB Nicholas <jason.b.nicholas@gmail.com> wrote:

Any update on my guide application? I submitted it Nov. 7. Thank you.

On Tue, Jan 3, 2023 at 10:18 AM Somogie, Gaye (DEC) <gaye.somogie@dec.ny.gov> wrote:

Good Morning,

Thank you for updating your address.

Happy New Year!

Gaye

Gaye Somogie

She/Her/Hers

Licensed Guide Program Coordinator, Bureau of Wildlife

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233

P: (518) 402-8985 | F: (518) 402-8925 | gaye.somogie@dec.ny.gov

3/19/23, 7:48 AM

Gmail - Re: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS



From: JB Nicholas <jason.b.nicholas@gmail.com>
Sent: Friday, December 30, 2022 9:46 AM
To: Somogle, Gaye (DEC) <gaye.somogle@dec.ny.gov>
Subject: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS

You don't often get email from jason.b.nicholas@gmail.com. Learn why this is important

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning Ms. Somogie:

I write to advise DEC of my change of address.

I passed the required tests and mailed to DEC a completed application with required documentation for a NYS guide license on November 7. Since then, I have changed my address to: [REDACTED] Malone, NY, 12953.

I have not received my license yet, so just wanted to make sure it is not mailed to my old address.

3/19/23, 7:45 AM

Gmail - Re: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS

Thank you

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www.jbnicholas.com

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www.jbnicholas.com

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www.jbnicholas.com

EXHIBIT

M

3/19/23, 8:42 AM

Gmail - GUIDE APPLICATION STATUS?



JB Nicholas <jason.b.nicholas@gmail.com>

GUIDE APPLICATION STATUS?

1 message

JB Nicholas <jason.b.nicholas@gmail.com>
To: "Somogie, Gaye (DEC)" <gaye.somogie@dec.ny.gov>

Mon, Feb 27, 2023 at 10:16 AM

Good morning

What's the status of my application to be a licensed NYS guide?

I'm told the process should only take 4-6 weeks. It's been months since I passed the required tests and mailed to DEC a completed application with required documentation and fee on Nov. 7, 2022.

Please confirm DEC received my application.

Thank you

--

www.jbnicholas.com

EXHIBIT

N

3/19/23, 8:44 AM

Gmail - RE: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS



JB Nicholas <jason.b.nicholas@gmail.com>

RE: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS

1 message

Somogie, Gaye (DEC) <gaye.somogie@dec.ny.gov>
To: JB Nicholas <jason.b.nicholas@gmail.com>

Thu, Mar 2, 2023 at 10:58 AM

Good Morning,

We received your application. Your application is still in review.

Thank you,

Gaye

From: JB Nicholas <jason.b.nicholas@gmail.com>
Sent: Wednesday, February 15, 2023 3:26 PM
To: Somogie, Gaye (DEC) <gaye.somogie@dec.ny.gov>
Subject: Re: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS

You don't often get email from jason.b.nicholas@gmail.com. Learn why this is important

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Any update on my guide application? I submitted it Nov. 7. Thank you.

<https://mail.google.com/mail/u/0/?ik=a48f444a3d&view=pt&search=all&permthid=thread-ar:1729094416081907485%7Cmeg-f:1759272183175413418&simpl=msg-f:1759272183175413418&mb=1>

1/4

EXHIBIT

O

3/19/23, 8:48 AM

Gmail - RE: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS



JB Nicholas <jason.b.nicholas@gmail.com>

RE: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS

1 message

Somogie, Gaye (DEC) <gaye.somogie@dec.ny.gov>
To: JB Nicholas <jason.b.nicholas@gmail.com>

Thu, Mar 2, 2023 at 2:01 PM

It can take a few more weeks. Thank you.

From: JB Nicholas <jason.b.nicholas@gmail.com>
Sent: Thursday, March 2, 2023 11:48 AM
To: Somogie, Gaye (DEC) <gaye.somogie@dec.ny.gov>
Subject: Re: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

One more question. Is there a time table for this? How long does DEC think its review might take?

On Thu, Mar 2, 2023 at 10:58 AM Somogie, Gaye (DEC) <gaye.somogie@dec.ny.gov> wrote:

Good Morning,

We received your application. Your application is still in review.

Thank you,

<https://mail.google.com/mail/u/0/?ik=a48f444a3d&view=pt&search=all&permthid=thread-a:r1279094418081907485%7Cmsg-f:1759283740701143036&simpl=msg-f:1759283740701143036&mb=1>

1/4

EXHIBIT

P

3/19/23, 7:50 AM

Gmail - Fwd: LICENSED GUIDE APPLICATION-LAWSUIT



JB Nicholas <jason.b.nicholas@gmail.com>

Fwd: LICENSED GUIDE APPLICATION-LAWSUIT

1 message

JB Nicholas <jason.b.nicholas@gmail.com>

Fri, Mar 17, 2023 at 9:12 AM

To: basil.seggos@dec.ny.gov

Cc: Sean.Mahar@dec.ny.gov, "Ringewald, Erica R (DEC)" <erica.ringewald@dec.ny.gov>

Good morning Comissioner:

Please be advised I'm preparing to sue the Department for my guide license. It's been 18 weeks since I passed the required tests and submitted a completed application.

Respectfully, I demand that the DEC issue my fishing, hiking and camping guide license for which I've already passed the required tests and paid.

Thank you.

----- Forwarded message -----

From: JB Nicholas <jason.b.nicholas@gmail.com>

Date: Fri, Mar 17, 2023 at 9:03 AM

Subject: Re: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS

To: Somogie, Gaye (DEC) <gaye.somogie@dec.ny.gov>

Good morning.

I'm writing to see if there's been a decision on my guide license. It's been fully submitted since Nov. 7. I was told it should only take 4-6 weeks. It's now been 18 weeks.

I've already lost a winter of work, I can't afford to be out of work any longer.

Please advise your superiors or whoever is holding up the process that I'll be preparing a federal civil rights lawsuit against the DEC for effectively denying me a guide license. I'll file it next week unless I hear from DEC.

3/19/23, 7:50 AM

Gmail - Fwd: LICENSED GUIDE APPLICATION-LAWSUIT

Thank you.

On Thu, Mar 2, 2023 at 2:01 PM Somogie, Gaye (DEC) <gaye.somogie@dec.ny.gov> wrote:

It can take a few more weeks. Thank you.

From: JB Nicholas <jason.b.nicholas@gmail.com>
Sent: Thursday, March 2, 2023 11:48 AM
To: Somogie, Gaye (DEC) <gaye.somogie@dec.ny.gov>
Subject: Re: LICENSED GUIDE APPLICATION-CHANGE OF ADDRESS

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

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Good Morning,

We received your application. Your application is still in review.

Thank you,

Gaye

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JB NICHOLAS

Plaintiff,

AFFIRMATION OF SERVICE

-against-

BASIL SEGGOS, Commissioner, New York State
Department of Environmental Conservation;
GAYE SOMOGIE, Licensed Guide Program
Coordinator, New York State Department of
Environmental Conservation,

Defendants.

I, Jason B. Nicholas, swear the following under the penalty of perjury:

1. I am the Plaintiff in the above-captioned action; am over 18 years of age; and live in Malone, New York, 12953.

2. On Mar. 20, 2023, I personally served a true copy of the Complaint, Mot. for a Prelim. Injunc., Mem. of L., Civil Cover Sheet and Waiver of Service request upon Defendants and Defendants' attorney, New York State Attorney General Letitia James, by emailing PDF copies of same to

basil.seggos@dec.ny.gov
gaye.somogie@dec.ny.gov
letitia.james@ag.ny.gov

Pursuant to, and in accordance with, 28 USC section 1746:

I swear under the penalty of perjury that the foregoing is true and correct:



JB NICHOLAS

SELECTED DELIVERY DAY: 03/22/23

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RDC 04

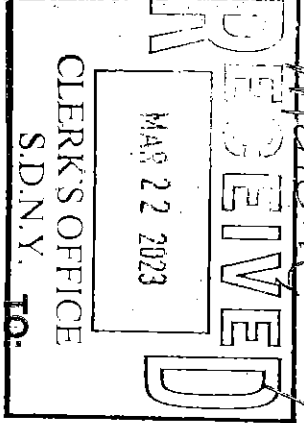
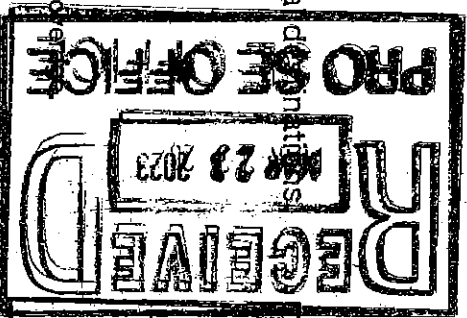


10007

U.S. POSTAGE PAID
PM
MALONE, NY
12953
MAR 20, 23
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R2305K140740-04

FROM:

JASON NICHOLS
86 ~~1st~~ Duane St.
Malone, NY 12953



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US DISTRICT COURT
Southern District of NY
500 PEARL ST
NY, NY 10007

Jason B. Nicholas
Malone, New York 12953

jasonbnicholas@gmail.com

Mar. 20, 2023

Pro Se Clerk
U.S. District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: NICHOLAS V. SEGGOS, unassigned

Dear Sir or Ma'am:

Enclosed please find all the documents required for starting a federal civil rights suit under 42 USC 1983 as a poor person.

Included are one copy each of my Complaint with attached exhibits; Motion for a Preliminary Injunction; Memorandum of Law in Support; Motion to Proceed as a Poor Person; Civil Cover Sheet; Summons; Summons Waiver; and Affirmation of Service.

Please note that I'm moving for a Preliminary Injunction. Please forward it to the assigned judge as soon as possible. I've served copies of all the enclosed documents on Defendants and the New York Attorney General by email at the addresses specified in the Affirmation of Service.

Thank you.

A handwritten signature in black ink that reads "JB Nicholas". The signature is written in a cursive, flowing style.

JB NICHOLAS